



AF 13629/27W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Application of:

)Attorney Docket No.: F-352

Easton F. Bell et al.

)Group Art Unit: 3629

Serial No.: 10/021,583

)Examiner: N. Vig

Filed: October 29, 2001

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Confirmation No.: 3446

Title: Wireless Mailroom Having a Gateway Server to Allow Remote Access

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 1.191 et seq. from the final rejection of claims 1-10 and 31-37 of the above-identified application mailed Nov. 2, 2005. The fee for submitting this Brief is \$500.00 (37 C.F.R. § 1.17(c)). Please charge Deposit Account No. **16-1885** in the amount of \$500.00 to cover these fees. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. **16-1885**. Enclosed with this original are two copies of this brief.

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I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 11-30 have been cancelled. Claims 1-10 and 31-37 are pending in this application. Claims 1, 31 and 37 stand rejected under U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-10 and 31-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LeCarpentier (US 4,752,950) in view of Lee (US 5,657,689) and further in view of an article "Wireless Networking Review" by Ken Sinclair (hereinafter "Sinclair").

IV. Status of Amendments

A proposed amendment filed to the claims to clarify the language of claim 37 was denied entry as allegedly raising new issues. Therefore, the claims as set forth in Appendix A to this brief are those as set forth before the final rejection.

V. Summary of Claimed Subject Matter

This summary and references to specific page and line numbers, figures and reference characters is not intended to supplant or limit the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

Appellants' invention is directed to a mailing system and method that has a minimal number of interface cables between devices, but still maintains full functionality, is easy to add devices to, and provides remote access for each device without having a dedicated network connection for each device or having to transport each device to a network connection. Independent claim 1 is directed to a mailing system that comprises "a plurality of devices associated with mail preparation, each of said plurality of devices adapted to communicate with other of said plurality of devices via a wireless communication;" (see Fig. 1, items 16, 18, 20., 22 and corresponding description on page 3, line 28, to page 4, line 15 of the Specification), "a gateway server adapted to communicate with each of said plurality of devices via a wireless communication, said gateway server being coupled to a communication network;" (See Fig. 1, item 12 and corresponding description on page 3, lines 23-27), "said gateway server and said plurality of devices forming a local network, said gateway server acting as a master of said local network, each of said plurality of devices communicating with another of said plurality of devices via a wireless communication through said gateway server;" (see Fig. 1, item 30, and corresponding description on page 4, lines 15-31); and a remote device coupled to said communication network, said remote device communicating with said gateway server via said communication network," (see Fig. 1, item 50, and corresponding description on page 6, lines 17-26), "said gateway server creating a proxy for each of said plurality of devices in said local network;" (see Fig. 2 and corresponding description on page 6, line 27 to page 7, line 17 of the Specification), "wherein a service of at least one of said plurality of devices can be invoked by said remote device utilizing said created proxy for said at least one of said plurality of devices." (see Fig. 3 and associated description on page 7, lines 18-31).

Independent claim 31 is directed to 31 a method for invoking a service of a mailing device by a remote device, said mailing device belonging to a wireless mailing system, that comprises "registering said mailing device with a gateway server, said registration being done

via a wireless communication between said mailing device and said gateway server;" (see Fig. 2, items 64 and 66 and corresponding description on page 7, lines 5-10 of the Specification), "creating a proxy for said registered mailing device and storing said proxy in said gateway server;" (see Fig. 2, item 68 and corresponding description on page 7, lines 14-17 of the Specification), "establishing a communication between said remote device and said gateway server via a network;" (see Fig. 3, item 80 and corresponding description on page 7, lines 18-20), "selecting a service associated with registered mailing device via said communication between said remote device and said gateway server;" (see Fig. 3, item 88 and corresponding description on page 7, lines 26-27), and "invoking said selected service via said proxy by said remote device." (see Fig. 3, item 90 and corresponding description on page 7, lines 27-31).

Additional features of the invention are discussed below in the Argument section of this Brief.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether the subject matter defined in claims 1, 31 and 37 is indefinite for failing to particularly point out and distinctly claim the subject matter which appellants regard as the invention.

B. Whether the subject matter defined in claims 1-10 and 31-37 is unpatentable over LeCarpentier in view of Lee and further in view of Sinclair.

VII. Argument

As Appellants discuss in detail below, the final rejection of claims 1-10 and 31-37 is devoid of any factual or legal premise that supports the position of unpatentability. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellants are entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The subject matter defined in claims 1, 31 and 37 is not indefinite.

With respect to claims 1 and 31, the Final Rejection contends that Appellant has not clearly defined proxy, and thus the claims are indefinite. Appellant respectfully disagrees.

As described in Fig. 2 and corresponding disclosure in the Specification on pages 6 and 7, the gateway server 12 monitors the local network 30 to determine if a new device is found. If a new device is found, the gateway server attempts to identify and authenticate the device. Upon identification and authentication, the gateway server creates and registers a proxy for the device in a directory stored in the gateway server. A remote device coupled to the network can then select and invoke a service of the device in the local network, via the registered proxy in the gateway server. The proxy, therefore, acts as an intermediary between the wireless communications from the actual device and the network to which the gateway server is connected, thereby creating a communication channel that allows the actual device to send data to and receive data from the network. This is completely consistent with each of the definitions provided in the Final Rejection, i.e., “acts as an intermediary between computers on your LAN and computers on the Internet,” “acts as a middleman for network communication, filtering the data being sent,” and “accepts requests from a client, such as a Web browser or FTP client, and forwards the request to the appropriate Internet server.” Note also that the memo “SIP:Session Initiation Protocol – Locating SIP Servers” simply indicates that an outbound proxy can be configured by any mechanism, including DHCP. This means that an outbound proxy (as defined in that article) can be given an IP address using DHCP. This in no way changes the use or function of the outbound proxy as defined in the other references cited in the Final Rejection, but instead simply indicates how an IP Address can be assigned to the proxy. Appellants are not attempting to assign any special meaning to the term “proxy,” and respectfully submit that claims 1 and 31 apprise one of ordinary skill in the art of its scope. The term proxy, as noted by the consistent definition provided by several references cited in the Final Rejection, has a well recognized meaning and therefore is not indefinite. Appellants respectfully submit that claims 1 and 31 are not indefinite.

With respect to claim 37, the Final Rejection contends that Appellant has not disclosed a status report, and therefore claim 37 is indefinite. Appellants respectfully disagree. Claim 37

recites “The method according to claim 31, wherein said service includes a status report.” Thus, a remote device can gain access to a device in the local network to obtain operating status information of a device in the local network. A status report, as is well known, is simply current information about operating conditions of a device, and could be provided in any number of ways without departing from the scope of the present invention. Thus, a remote device could access a device in the local network to determine the operating status of the device, e.g., whether the device is operational or not (see Specification, page 6, lines 17-26). Appellants respectfully submit that claim 37 apprises one of ordinary skill in the art of its scope and therefore is not indefinite.

B. The subject matter defined by claims 1-10 and 31-37 would not have been obvious over LeCarpentier in view of Lee and Sinclair.

LeCarpentier is directed to a remote control system for a set of franking machines which are geographically dispersed. Each franking head is connected to a local concentrator station via a data transmission link, and each local station is itself connected via a telephone channel to a central remote meter-reading station of the central organization, which local stations both monitor the franking machines and collect operating data read from the franking heads by means of bases, and also communicate the operating data to the central station after grouping the data and calling the central station via a telephone channel. (Col. 1, line 55 to Col. 2, line 1). In LeCarpentier, the central station serves as a concentrator for an entire set of franking machines to store and process all of the management data relating to operation of the franking machines in order to bill the franking performed and without processing the franking per se. (Col. 2, lines 45-53).

The Final Rejection contends that Fig. 1 and the disclosure associated with Fig. 1 of LeCarpentier teach “a plurality of devices associated with mail preparation, each of said plurality of devices adapted to communicate with other of said plurality of devices via a wireless communication” as is recited in claim 1. Appellants respectfully disagree. The franking machines 1A, 1B, 1C, 1D, 1E, 1F, 1G illustrated in Fig. 1 of LeCarpentier do not communicate with each other by any means, nevertheless by a wireless communication.

The Final Rejection further contends that Fig. 1 and the disclosure associated with Fig. 1 of LeCarpentier teach “a gateway server adapted to communicate with each of said plurality of devices via a wireless communication, said gateway server being coupled to a communication network, said gateway server and said plurality of devices forming a local network, said gateway server acting as a master of said local network, each of said plurality of devices communicating with another of said plurality of devices via a wireless communication through said gateway server” as is recited in claim 1. Appellants respectfully disagree. The local stations 4X, 4Y and 4Z illustrated in Fig. 1 of LeCarpentier do not act as a master of any type of local network, as they simply monitor the machines connected thereto and collect operating information supplied by the franking machines. Furthermore, the franking machines do not communicate with each other through the local stations. There is also no disclosure, teaching or suggestion in LeCarpentier of “a remote device coupled to said communication network, said remote device communicating with said gateway server via said communication network, said gateway server creating a proxy for each of said plurality of devices in said local network, wherein a service of at least one of said plurality of devices can be invoked by said remote device utilizing said created proxy for said at least one of said plurality of devices” as is recited in claim 1. These features are simply not present anywhere in LeCarpentier.

Lee is directed to a franking machine system in which a franking machine intended for operation at a predetermined location cannot be operated for franking mail if it is moved away from that location. A franking machine includes receiving means operative to receive a wireless signal sent from a transmission means that transmits a predetermined signal. The franking machine is operative in response to receipt of the predetermined signal by the receiving means to carry out a franking operation to frank a mail item and is inoperative to carry out a franking operation when the predetermined signal is not received. (Col. 1, lines 50-58).

Note first that in Lee there is no disclosure, teaching or suggestion of a gateway server that forms a local network with the plurality of devices and acts as a master of said local network. The Final Rejection contends that Lee teaches one or more postal processing machines interconnected by a local area radio frequency (RF) wireless communication network. (Final Rejection, page 6). This is simply not correct. The secure unit 32 of Lee is no more than a transmitter that may have the form of a secure safe like housing secured to a wall of the user's

premises and connected to a telephone line 33 whereby communication with the secure unit may be effected by means of the telephone network 34. (Col. 2, lines 57-61). The secure unit 32 does not establish any type of local network, nor does it act as the master of any type of local network. It simply transmits a signal, which is not the same as establishing a local network and acting as the master of the local network.

The Final Rejection contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LeCarpentier as taught by Lee to provide mobility to users. Note, however, that this is exactly the opposite of what Lee teaches. In Lee, unless a mailing machine is located in a predetermined location, it will be inoperative. As stated in the Abstract of Lee, "A franking machine intended to be operated at the predetermined location is inoperative to carry out franking operations unless it receives the signal transmitted to the predetermined location. Accordingly a franking machine intended for operation at the predetermined location cannot be operated for franking mail if it is moved away from that location." Lee, therefore, does not provide mobility, but requires the franking machine to be located at a predetermined location to operate.

There is also no disclosure, teaching or suggestion in Lee of each of the plurality of devices communicating with another of the plurality of devices via a wireless communication through the gateway server as is recited in claim 1. In Lee, there is no discussion anywhere of any of the franking machines 30₁ to 30_n communicating with each other through any type of communication path, nevertheless through a gateway server.

There is also no disclosure, teaching or suggestion in Lee of "a remote device coupled to said communication network, said remote device communicating with said gateway server via said communication network, said gateway server creating a proxy for each of said plurality of devices in said local network, wherein a service of at least one of said plurality of devices can be invoked by said remote device utilizing said created proxy for said at least one of said plurality of devices" as is recited in claim 1. These features are simply not present anywhere in Lee.

The article to Sinclair does not cure any of the above deficiencies, as it is directed simply to wireless network connections generally, and more specifically the ability for multiple PC's to

share a single Internet connection, and does not disclose, teach or suggest any of the features described above.

There is no disclosure, teaching or suggestion in any of the references, either alone or in any combination, of a mailing system that comprises “a plurality of devices associated with mail preparation, each of said plurality of devices adapted to communicate with other of said plurality of devices via a wireless communication; a gateway server adapted to communicate with each of said plurality of devices via a wireless communication, said gateway server being coupled to a communication network, said gateway server and said plurality of devices forming a local network, said gateway server acting as a master of said local network, each of said plurality of devices communicating with another of said plurality of devices via a wireless communication through said gateway server; and a remote device coupled to said communication network, said remote device communicating with said gateway server via said communication network, said gateway server creating a proxy for each of said plurality of devices in said local network, wherein a service of at least one of said plurality of devices can be invoked by said remote device utilizing said created proxy for said at least one of said plurality of devices” as is recited in claim 1.

For at least the above reasons, Appellants respectfully submit that claim 1 is allowable over the prior art of record. Claims 2-10, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Claim 31 is directed to a method for invoking a service of a mailing device by a remote device, the mailing device belonging to a wireless mailing system, where the method comprises “registering said mailing device with a gateway server, said registration being done via a wireless communication between said mailing device and said gateway server; creating a proxy for said registered mailing device and storing said proxy in said gateway server; establishing a communication between said remote device and said gateway server via a network; selecting a service associated with registered mailing device via said communication between said remote device and said gateway server; and invoking said selected service via said proxy by said remote device.”

The Final Rejection has not provided any indication, other than broad general statements, as to where any of the limitations of claim 31 are allegedly disclosed, taught or suggested in any of the cited references, either alone or in any combination. There is no disclosure, teaching or suggestion in LeCarpentier, Lee or Sinclair, either alone or in any combination, of registering a mailing device with a gateway server, said registration being done via a wireless communication between said mailing device and said gateway server; creating a proxy for said registered mailing device and storing said proxy in said gateway server; establishing a communication between said remote device and said gateway server via a network; selecting a service associated with registered mailing device via said communication between said remote device and said gateway server; and invoking said selected service via said proxy by said remote device as is recited in claim 31.

The Final Rejection appears to be contending that Sinclair's reference to DHCP (Dynamic Host Configuration Protocol) is equivalent to the registering a mailing device with a gateway server and creating a proxy for said registered mailing device and storing said proxy in said gateway server as is recited in claim 31. This is simply not correct. DHCP simply assigns an IP address to uniquely identify a computer that is making use of the Internet. The IP address is used by the Internet to direct data to the computer. As noted in the memo "SIP:Session Initiation Protocol – Locating SIP Servers," an outbound proxy can be configured by any mechanism, including DHCP. This means that an outbound proxy (as defined in that article) can be given an IP address using DHCP. Assigning an IP Address is not the same as registering a mailing device with a gateway server and creating a proxy for the registered mailing device as is recited in claim 31.

For at least the above reasons, Appellants respectfully submit that claim 31 is allowable over the prior art of record. Claims 32-37, dependent upon claim 31, are allowable along with claim 31 and on their own merits.

VIII. Conclusion

In Conclusion, Appellants respectfully submit that the final rejection of claims 1-10 and 31-37 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian A. Lemm", written over a horizontal line.

Brian A. Lemm
Reg. No. 43,748
Attorney for the Appellants
Telephone (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, Connecticut 06484-8000

Attachments - Appendix A – Claims Appendix (3 pages)
Appendix B – Evidence Appendix (1 page)
Appendix C – Related Proceedings Appendix (1 page)

APPENDIX A – Claims Appendix**1. A mailing system comprising:**

a plurality of devices associated with mail preparation, each of said plurality of devices adapted to communicate with other of said plurality of devices via a wireless communication;

a gateway server adapted to communicate with each of said plurality of devices via a wireless communication, said gateway server being coupled to a communication network, said gateway server and said plurality of devices forming a local network, said gateway server acting as a master of said local network, each of said plurality of devices communicating with another of said plurality of devices via a wireless communication through said gateway server; and

a remote device coupled to said communication network, said remote device communicating with said gateway server via said communication network, said gateway server creating a proxy for each of said plurality of devices in said local network,

wherein a service of at least one of said plurality of devices can be invoked by said remote device utilizing said created proxy for said at least one of said plurality of devices.

2. The system according to claim 1, wherein said wireless communications are radio frequency communications.

3. The system according to claim 2, wherein said radio frequency communications are automatically established.

4. The system according to claim 1, wherein said plurality of devices includes a scale.

5. The system according to claim 1, wherein said plurality of devices includes a postage meter.

6. The system according to claim 1, wherein said plurality of devices includes a mail processing machine.

7. The system according to claim 1, wherein said plurality of devices includes a personal computer.

8. The system according to claim 1, further comprising:

a data center coupled to said communication network,

wherein said gateway server communicates with said data center via said communication network, said data center receiving data from and sending data to at least one of said plurality of devices via said communication network, said gateway server, and a wireless communication between said gateway server and said at least one of said plurality of devices.

9. The system according to claim 8, wherein said communication network is a public switched telephone network.

10. The system according to claim 8, wherein said communication network is the Internet.

11-30. Cancelled.

31. A method for invoking a service of a mailing device by a remote device, said mailing device belonging to a wireless mailing system, said method comprising the steps of:

registering said mailing device with a gateway server, said registration being done via a wireless communication between said mailing device and said gateway server;

creating a proxy for said registered mailing device and storing said proxy in said gateway server;

establishing a communication between said remote device and said gateway server via a network;

selecting a service associated with registered mailing device via said communication between said remote device and said gateway server; and

invoking said selected service via said proxy by said remote device.

32. The method according to claim 31, wherein said wireless communication between said mailing device and said gateway server is a radio frequency communication.

33. The method according to claim 31, wherein said step of selecting a service further comprises:

displaying a plurality of services associated with said registered device; and

selecting one of said plurality of services associated with said registered device.

34. The method according to claim 31, wherein said network is the Internet.

35. The method according to claim 31, wherein said mailing device is a postage meter.

36. The method according to claim 31, wherein said mailing device is a scale.

37. The method according to claim 31, wherein said service includes a status report.

APPENDIX B – EVIDENCE APPENDIX

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by Appellant in the appeal.

APPENDIX C – RELATED PROCEEDINGS APPENDIX

There are no appeals or interferences known to Appellants, their legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.